

PROB 12C
(REV. 12/04)

UNITED STATES DISTRICT COURT

for

WESTERN DISTRICT OF TEXAS

FILED

JAN - 9 2019

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY: K. R. K.
CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Manuel Martinez

Case Number: SA-12-CR-62(3) FB

M-19-0100-M-3

Name of Sentencing Judicial Officer: Honorable Fred Biery, United States District Judge

Date of Original Sentence: June 7, 2013

Original Offense: Possession with Intent to Distribute Marijuana, in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(B)(vii)

Original Sentence: 60 months imprisonment followed by 5 years supervised release and \$100 special assessment

Type of Supervision: Supervised Release Date Supervision Commenced: July 6, 2016

Assistant U.S. Attorney: Russell DeWitt Leachman Defense Attorney: Stephen H. Gordon

PREVIOUS COURT ACTION

None.

PETITIONING THE COURT

- ☒ To issue a warrant
☐ To issue a summons

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number Nature of Noncompliance

1.

Special Condition No. 3: The defendant shall not associate with any child or children under the age of 18 except in the presence and supervision of an adult specifically designated in writing by the probation officer. The probation officer will notify the designated adult of risks occasioned by the defendant's criminal record or personal history or characteristics. The defendant shall permit the probation officer to make such notifications.

On October 17, 2018, Martinez admitted to having contact with a child under the age of 18 without the permission of the probation officer. On this same date, Martinez also admitted to cohabitating with children under the age of 18 without the permission of the probation officer.

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2.

Special Condition No. 4: The defendant shall reside in a residence approved, in advance, by the probation officer. Any changes in the residence must be pre-approved by the probation officer.

On October 17, 2018, Martinez admitted to residing with his son, Manuel Martinez Jr., his son's common-law spouse, Michelle Ruiz, and her children in a residence that was not approved by the probation officer.

U.S. Probation Officer Recommendation: On June 7, 2013, Manuel Martinez pled guilty to Possession with Intent to Distribute Marijuana. Your Honor sentenced Martinez to 60 months imprisonment followed by a 5-year term of supervised release. In addition to the standard and mandatory conditions of supervision, Martinez was ordered to comply with the following special conditions: sex offender treatment, lifestyle restrictions, no contact with children under the age of 18, reside in an approved residence, shall not reside within 1,000 feet of a child safety zone, refrain from possessing or using sexually oriented materials, and sex offender registration. Martinez has a criminal history that includes Indecency with a Child. The term of supervised release commenced on July 6, 2016 in the Southern District of Texas, McAllen Division. He is actively supervised by Lorena Sanchez-Garza, Senior United States Probation Officer (USPO) in the Southern District of Texas.

On December 21, 2018, this probation officer received notification from USPO Sanchez-Garza that Manuel Martinez violated his conditions of supervised release. According to USPO Sanchez-Garza, on October 17, 2018, Martinez admitted to having contact with several children under the age of 18. He also admitted to cohabitating with his common-law spouse, Michelle Ruiz, and her four children, ages 21, 18, 11, and 10 years old. This residence was not approved by USPO Sanchez-Garza. In addition, he admitted that his daughter and her children, ages 3 years and 9 months old, would often stay over at his residence for days at a time. Due to these violations of supervised release, the probation officer respectfully recommends a warrant be issued for the offender's arrest.

☒ The term of supervision should be

☒ revoked. (Maximum penalty: 3 years imprisonment; Up to Life supervised release; and payment of any unsatisfied monetary sanction previously imposed)

☐ extended for years, for a total term of years.

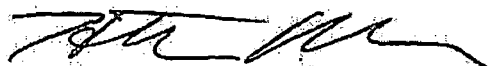
☐ The conditions of supervision should be modified as follows:

Approved:



Jennifer R. Cordova
Supervising U.S. Probation Officer
Telephone: (210) 472-6590, Ext. 55365

Respectfully submitted,



Hector Medina
Senior U.S. Probation Officer
Telephone: (210) 472-6590, Ext. 55325
Date: January 7, 2019

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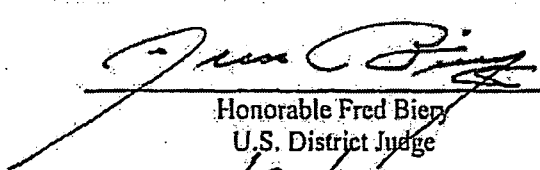
cc: Russell DeWitt Leachman
Assistant U.S. Attorney

Marc S. Martinez
Assistant Deputy Chief U.S. Probation Officer

THE COURT ORDERS:

- ☐ No action.
☒ The issuance of a warrant.
☐ The issuance of a summons.
☒ Other

Inf to McAllen SDTR


Honorable Fred Biers
U.S. District Judge

1/9/19
Date